Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 911-00561-5100-144	Date: 6/17/11	Time: 1910Hrs	
Location: 441 Bauchet Street		City or Station: Los Angeles	
Bureau/Station/Facility: Custody/Men's Central Jail		Admin. Investigation: YES ☐ NO ☒	
Type of Force: Significant- Hands and Feet, O.C. Spray, Taser			
Deputy Injury : YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call	☒ Observation	☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Frank Montez	Emp: [redacted]	IAB Roll Out: YES ☐ NO ☒

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
[redacted] Male ☐ Female	[redacted]	Men's Central Jail	[redacted]

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	[redacted]	[redacted]

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	Saavedra	Eric	C

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	2200/2400 Prowl Movement

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	28	602	210

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☒

E3

Employee #	Last Name	First Name	Middle Name
[redacted]	Machado	Adam	J

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☒ Male ☐ Female	H	Men's Central Jail	2200/2400 Title 15

Shift		Age	Height	Weight
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	26	509	165

	Hospital	Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted			Directed Force ☐ Significant Force ☒

☐ **Additional Involved Employees**

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	[redacted]	[redacted]		[redacted]	YES ☒ NO ☐	YES ☒ NO ☐
[redacted]	Musharbash	Wadie		A/Sgt	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Jimenez	Tommy	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Nicassio	Joseph	

Joseph E. Nicassio
Watch Commander (**Print Name**) — Watch Commander's **Signature**: [signature] — Emp #: [redacted] — Date: 7/22/11

CONTENTS BCT CMDR PARRA 258421

Wadie Musharbash
Supervisor Completing Form: (**Print Name**) — Emp #: [redacted] — Copy Provided to Employee by: — Emp #:

Ralph G. Ornelas, Captain
Unit Commander (**Print Name**) — Unit Commander's **Signature**: [signature] — Emp #: [redacted] — Date: 9-2-2011

DISCOVERY Use Only
FO# 2291927

CONTENTS D. FEDELE NOTED

1 - DVD
1 - mini DVC

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 07/08)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE - Continuation
911-00561-5100-144

Involved Employee

E 4

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	W	Men's Central Jail	2800 Module

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	30	[redacted]	[redacted]

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☒

E 5

Employee #	Last Name	First Name	Middle Name
[redacted]	Alvarez	David	

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☒ Male ☐ Female	H	Men's Central Jail	2000 Prowl Deputy

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☒ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	25	601	215

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☐

E_

Employee #	Last Name	First Name	Middle Name

Sex:	Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
☐ Male ☐ Female			

Shift:		Age:	Height:	Weight:
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

		Coroner Case #	
☐ Injured ☐ Treated ☐ Admitted	Hospital:		Directed Force ☐ Significant Force ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION
9 1 1 - 0 0 5 6 1 - 5 1 0 0 - 1 4 4

Suspect Information

S 1

Last Name: Martinez | First Name: Jose | Middle Name: I

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: | Home Phone: | Age: 20 | Height: 508 | D.O.B. 03/21/91 | Weight: 140 | Armed? ☐

Booking #: 2005190 | Primary Charge Code: [redacted]econdary Charge Code: | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? [redacted] Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☒ NO Substance: | Mental Illness ☐

Suspect Interview

Date: 06/18/11 | Time: 0930 | ☐ Audiotape: ☒ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S 2

Last Name: [redacted] | First Name: [redacted] | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☒ Male ☐ Female | Race: H | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Work Phone: None | Home Phone: None | Age: 26 | Height: 505 | D.O.B. [redacted] | Weight: 230 | Armed? ☐

Booking #: [redacted] | Primary Charge Code: [redacted] | Secondary Charge Code: | Criminal History [redacted]

EMT in attendance? ☒ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☒ NO Substance: | Mental Illness: ☐

Suspect Interview

Date: 06/18/11 | Time: 0930 | ☐ Audiotape: ☒ Videotape: ☐ Photos of Injuries: ☒ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S_

Last Name: | First Name: | Middle Name:

AKA Last Name: | First Name: | Middle Name:

Sex: ☐ Male ☐ Female | Race: | Street Address: | City: | State & Zip Code:

Work Phone: | Home Phone: | Age: | Height: | D.O.B. | Weight: | Armed? ☐

Booking #: | Primary Charge Code: | Secondary Charge Code: | Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: | Unit: | Phone #:

Hospital Admission? ☐ Rec'd Treatment At: | Coroner Case #: | Mental History ☐

By Doctor: | Address: | Phone #:

Under Influence: ☐ YES ☐ NO Substance: | Mental Illness ☐

Suspect Interview

Date: | Time: | ☐ Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION
9 1 1 - 0 0 5 6 1 - 5 1 0 0 - 1 4 4

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		26	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	Unk	None

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

☐ Additional Witness

Supervisor's Report on Use of Force

911-00561-5100-144

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Martinez	S/1	[redacted]	E/1	UC	NN	NN
[redacted]	E/1	Martinez	S/1	OC	CP	FA
Martinez	S/1	[redacted]	E/1	PH	NN	SH
[redacted] Saavedra	E/1/E/2	Martinez	S/1	TT	NN	CH
Martinez	S/1	[redacted] Saavedra	E/1/E/2	PH	NN	CH/HD
[redacted]	E/1	Martinez	S/1	PH	NN	CH
Saavedra	E/2	Martinez	S/1	PH/PO	NN	CH/SH
Martinez	S/1	[redacted] Saavedra	E/1/E/2	PH	NN	CH/HD
Machado	E/3	Martinez	S/1	PH	NN	HD
Martinez	S/1	[redacted] Saavedra/Machado	E/1/E/2/E/3	PH/PO	NN	NN
Mayfield	E/4	Martinez	S/1	TR	PW	BK
Alvarez	E/5	Martinez	S/1	RH	NN	HD

Force Applied

SIGNIFICANT FORCE / TASER / FREEZE +P / PERSONAL WEAPONS

Incident Details
Reported Use of Force by Involved Employee(s)

A/Supervising Line Deputy [redacted] was providing security for the Module 2200 evening pill call. Deputy [redacted] heard inmates shouting from 2200 C-row. He walked up to C-row (C-10) to investigate the possible disturbance and saw Inmates Martinez and [redacted] fighting inside the cell.

Deputy [redacted] ordered both inmates to stop fighting and lay down on their bunks. Both inmates failed to comply. He immediately broadcasted an inmate fight using his handheld radio and requested a supervisor. Additional orders to stop fighting were given, however, both inmates refused to cooperate. In order to stop the fight and prevent any further injuries to the inmates, Deputy [redacted] sprayed both inmates in the face for 4 to 5 seconds with his Freeze +P spray while giving additional orders to stop fighting. Both inmates immediately complied by lying face down on the floor with their hands behind their back.

Based on sufficient deputy personnel on scene coupled with both inmates being compliant, Deputy [redacted] and Deputy Saavedra entered the cell in order to secure the inmates. After entering and without warning, S/Martinez quickly stood to his feet and swung his fists towards Deputy [redacted] Deputy Saavedra took hold of S/Martinez's left arm as Deputy [redacted] took hold of his right arm as they conducted a take down of S/Martinez. S/Martinez struck his right side as he landed on the floor. He quickly rolled onto his back.

S/Martinez began kicking his feet and punching with both fists in an upwards motion towards Deputies [redacted] and Saavedra. Deputy [redacted] was able to strike S/Martinez 3 to 4 times on the right rib cage area with his fist. Deputy Machado responded as a result of the radio traffic and saw S/Martinez fighting with the deputies. Deputy Machado struck S/Martinez 4 to 6 times in the face and head with his left hand in an attempt to gain compliance. S/Martinez continued to fight swinging his hands and kicking his feet towards the deputies. As the fight continued, Deputies [redacted] and Saavedra were able to roll him onto his stomach as they attempted to handcuff him.

S/Martinez placed his hands under his stomach and refused to be handcuffed. Deputy Saavedra struck S/Martinez two times to his right rib cage area. The strikes had no effect as S/Martinez continued to conceal his hands under his stomach while kicking his feet at the deputies. Deputy Saavedra struck S/Martinez 3 times with his right knee to his right upper arm. Deputy Machado performed 2 to 3 elbow strikes to the head of S/Martinez in order to gain compliance.

Deputy [redacted] responded to the location and saw S/Martinez lying on his stomach with his hands concealed underneath him, kicking his feet at the deputies who were attempting to gain control. Deputy [redacted] then deployed his X26 Taser and employed it for one cycle to S/Martinez' back lasting approximately 5 seconds. S/Martinez immediately stopped his assault and complied by not moving his arms or feet. This allowed Deputy Saavedra to safely place handcuffs on S/Martinez without further incident. Deputy Alvarez, who arrived on scene, handcuffed V/Valenzuela without further incident. Both inmates were safely removed from the cell and escorted to the Men's Central Jail clinic for treatment and observation.

Reported Use of Force by Involved Employee(s)

All deputies made timely and proper notifications regarding this incident. Each of them prepared written reports, detailing their observations and actions. The reports were consistent with the verbal notifications made to me.

Witness Interview(s)

I conducted a videotaped interview of the following inmates regarding this incident.

I/M [redacted] Did not see or hear anything.

I/M [redacted] Did not see or hear anything.

I/M [redacted] Did not see or hear anything.

I/M [redacted] Did not see or hear anything.

I/M [redacted] He was in his cell standing by the cell gate bars when he was assaulted by S/Martinez. [redacted] said he had to defend himself from the attack. They fought until a deputy had sprayed them with Freeze+ spray.

[redacted] stated he immediately cooperated with deputies by lying face down on the floor and placing his hands behind his back. [redacted] stated S/Martinez also went to the floor face down. [redacted] states when the deputies entered their cell, S/Martinez got up and ran, charging at the deputies. He stated he could not see anything because of the Freeze+ spray in his eyes, but he could hear S/Martinez yelling at the deputies. He heard deputies telling S/Martinez to get down on the ground several times.

[redacted] stated he had just met S/Martinez 2 hours prior to the incident and does not know why S/Martinez had attacked him.

[redacted] complained of pain to his head, right eye, left eye, right bicep, and left knee. I saw redness and swelling to the right top side of his head, redness to his forehead, redness above and below the right eye, an abrasion below the left eye, abrasion to his inner right bicep and a small abrasion to his left knee. [redacted] stated he had suffered these injuries during the attack by S/Martinez.

[redacted] was seen and treated by Nurse [redacted] # [redacted] at the MCJ Clinic for his injuries. After medical treatment, [redacted] was then escorted back to Module 2200 C-10.

[redacted] had nothing else to say.

There were no additional witnesses located regarding this incident.

Suspect Interview(s)

Suspect Interview(s) Conducted by

Watch Commander X	**Supervising Sergeant X**

I conducted a videotaped interview of S/Martinez after he was medically treated. He told me the following:

He was declassed from the [redacted] (Module 2100) earlier in the day and was escorted to Module 2200 for general population housing. He stated he was a [redacted] nd needed to get back to the [redacted] S/Martinez said in order to do this, he struck his cell mate, [redacted], in the face and head with his fists a number of times. He stated [redacted] began to defend himself by punching him back, striking him in the face and head. S/Martinez said he fell to the floor and [redacted] began kicking him in the face. S/Martinez believes he passed out for a bit and came to. S/Martinez remembers seeing a lot of blood coming from his face.

He did not remember hearing any deputy giving orders to stop fighting. While he was fighting, he was sprayed in the face with Freeze+ P spray by a deputy. S/Martinez stated deputies than entered his cell and handcuffed him without further incident. He does not remember fighting with the deputies or being hit with the taser. I asked S/Martinez if he remembers deputies punching him in his ribs and face. He stated he does not remember deputies using any other force on him because he passed out. He stated all his injuries were caused by [redacted]

S/Martinez denied ingesting any alcohol and/or drugs prior to this incident, but has ingested Methamphetamines in the past. He does not take any kind of psychological medication.

S/Martinez complained of pain to his head, face, back and shoulders. I saw redness and swelling to his forehead, left and right side of his head, right cheek bone, dried blood on the back of his neck and head, laceration on his chin and lips, dried blood on his right ear, redness to the back of his left shoulder and two puncture wounds in the center of his back as a result of the taser deployment.

Medical Review

S/Martinez was treated for his injuries at the Men's Central Jail clinic by Nurse [redacted] # [redacted] Subsequently, he was and transported to Los Angeles County Medical Center for further treatment/observation by Los Angeles City Fire Rescue #2, under the supervision of Captain [redacted] Dr. [redacted] treated S/Martinez for head trauma, a facial bone fracture and a superficial laceration to his chin and lip. Upon completion of treatment, he was approved for release by Dr. [redacted] and transported back to MCJ where he was ultimately housed in 7118. The hospital refused to release additional information regarding his injuries.

Based on the injuries sustained, IAB Lt. Montez was notified at 1045 hours on 06/18/11.

An Inmate Injury Report has been submitted.

Training and Tactical Review

A debriefing was conducted at the conclusion of the incident with all involved personnel. Based on the force reported to me, the reports submitted, interviews completed of all parties involved and the suspect's injuries being consistent with the force reported, I formed the opinion that this use of force was reasonable and within Departmental standards.

Watch Commander's Review

After review of the documentation provided, I concur with the assessment provided by A/Sergeant Musharbash. The amount of force utilized was reasonable, necessary and in direct response to the inmates' noncompliant and assaultive behavior.

I recommend no further action.

Case Status

S/Martinez was charged with Battery 242PC, and Battery On A Peace Officer 243 (B)(1)PC. The report has been forwarded to JIU for review and/or filing.

I later learned that during Dr. [redacted] medical exam of S/Martinez, narcotics were found on his person. For further information see URN #911-00043-5410-181 written by Deputy Phillips ,T. # [redacted]